

# **ISAC County Mandate Report**

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5500 Westown Parkway, Suite 190  
West Des Moines, IA 50266  
Phone: 515.244.7181  
Fax: 515.244.6397

[www.iowacounties.org](http://www.iowacounties.org)

# **Table of Contents**

Public Safety .....	5
Jails .....	12
County Attorney as State Attorney .....	14
Emergency Management .....	18
Public Officials .....	19
Employment.....	20
Budgeting.....	23
Veterans Affair.....	25
Human Services .....	27
Substance Abuse .....	28
MH/MR/DD .....	29
General Relief .....	32
Roads.....	33
Environment.....	37
Pipelines.....	39
Drainage.....	40
County Administration.....	44
Public Funds.....	50
Board of Supervisors Organization.....	54
Public Contracts .....	56
Drivers License/Motor Vehicle Registration .....	57
Elections.....	58
Taxation .....	67
Vital Statistics .....	76
Courts.....	78
Recording Documents.....	80
Public Health.....	83
Land Use .....	84
Special Districts .....	86
Medical Examiner.....	90
Civil Service.....	91
Official Publications .....	92
Permits and Licenses.....	94
Lost Property.....	95
Townships .....	96
Special Assessments .....	97
Cemeteries.....	98

**Introduction:**

There are almost 1,300 county mandates in the Iowa Code. And we've listed all of them for you, broken down into 37 categories.

Why go to the trouble to list every county mandate in the Iowa Code? We can think of three reasons:

- To tell county officials exactly what their obligations are in a given area, so that they can make the best use of their limited budgets;
- To help explain to the public what counties do and where property tax dollars go; and
- To provide baseline information that can be used in discussions about which county mandates should be eliminated.

**Methodology:**

Our methodology necessarily under-counted the number of mandates. For example, on page 35 we report a mandate as follows: "The county shall consider requests for sanitary landfill and infectious waste incinerator projects. 455B.305A." But if you actually read that statute, it about contains nine different county mandates. We did not list all nine for two reasons: 1)the point was to tell readers that counties have a state-imposed responsibility to decide on the fate of sanitary landfills in the county – not to inflate the number of mandates; and 2)if we listed all nine specific mandates, this project would have taken another six months to complete, and this report would have been twice as long.

A mandate is a state requirement that a county take a given action. Some things are not a "mandate" as we define that term. For instance, Iowa Code chapter 6B spells out all of the strict requirements that a county must follow if it chooses to use its eminent domain power. But since the county could avoid these mandates altogether by choosing not to use its eminent domain power, we don't consider those to be mandates. The one exception is drainage, where we included the mandates, even though establishment of a drainage district is discretionary.

This report does not include mandates found in administrative rules. That was beyond the scope of this project. And in theory, all such mandates are supposed to be based on language in the Iowa Code. We did not include federal mandates, either.

We conducted the original search using Lexis, the legal software. We asked the computer to find every instance where "shall" appeared in the Iowa Code adjacent to "county" or "political subdivision" or "municipality." We then read each statute that Lexis came up with, to see if it truly was a mandate.

The way we did this search led us to underreport the number of mandates in the Iowa Code. There are more mandates out there that this search did not uncover.

There is a duplication issue we had to work around. For example, Iowa Code section 359.23, part of the township chapter, requires that county auditor post financial information related to townships. Iowa Code section 331.502(31), which lists auditor's responsibilities, requires that county auditors post financial information related to townships "as provided in section 359.23." Although each is technically a mandate, in such situations we only listed the mandate once.

**Status:**

This is a work in progress. Our hope is that we will not need to repeat this effort of logging all of the county mandates any time soon. But we trust this is a document that we can build on in the future.

Since we were working with almost 1,300 mandates, we undoubtedly missed some critical ones, and may have mischaracterized some others. Let us know where we need further work.

**Caveat:**

This report does not constitute legal advice. The mandates are necessarily reported in shorthand fashion. There is no substitute for reading the mandate yourself. If you have questions about any specific mandates, consult the Iowa Code and then visit with your county attorney.

This report is based on the 2011 Iowa Code,

## **Mental Health/ Mental Retardation/ Developmental Disabilities (MH/MR/DD)**

The county medical examiner shall investigate sudden or mysterious deaths at the state resource centers (RCs). 222.12

The county shall arrange for the placement and investigate finances of those found inappropriate for state RCs. The county shall fund services for those found unable to pay. 222.13

The county shall reimburse for preadmission diagnostic evaluations and court assigned attorneys for minors seeking voluntary admission to the RCs. 222.13A.

The county shall provide for the care of mental retarded individuals waiting for admission to the RCs. 222.14

The county shall represent the petitioner in commitment proceedings. 222.18

The county shall compensate attorneys assigned to persons with mental retardation in commitment hearings. 222.22

The county shall provide financial support for the care of committed persons with mental retardation. 222.31

The county shall pay the costs of discharge proceedings. 222.49

The county of legal settlement shall reimburse the county of residence. 222.50

The county is responsible for all necessary and legal expenses for the cost of care of persons with mental retardation. 222.60

The county shall provide cost of support of patients on convalescent or other leave. 222.77

The county attorney shall investigate financial condition of voluntary commitments. 225.13

The county shall provide financial support for the psychiatric care of residents. 225.21

The county auditor shall collect for the state treatment costs from private patients with resources. 225.23

The county auditor shall collect for the county claims for per diem and expenses paid by the county from private patients with resources. 225.24

The county auditor shall collect all expenses related to the death of a committed private patient. 225.35.

The county shall contract with a mental health center. 225C.7

A county shall place funds received from the state for partial reimbursement of local inpatient mental health care and treatment in the county mh/mr/dd fund created under 331.424A. 225C.12

The county medical examiner shall investigate MHI sudden/without apparent cause deaths. 226.34

The county shall pay for transfers from county or private institutions to the MHIs. 227.10

The county shall transfer MHI patients to county care facilities upon request of the MHI. 227.11

The county shall keep MHI patients transferred to county care facilities until cured or until DHS consents to discharge. 227.13

The county shall compensate attorneys representing persons with mental illness in voluntary admissions process. 229.2

The county shall compensate attorneys representing respondents in involuntary hospitalization proceedings. 229.8

The county shall pay the cost of a second evaluation requested by the respondent, if respondent lacks the funds. 229.10

The county sheriff, upon order of the court, shall take certain respondents into immediate custody. 229.11

The county attorney shall present evidence in hospitalization hearing. 229.12

The county shall pay for court-appointed advocates for involuntary hospitalization proceedings. 229.19

The county shall pay the cost of emergency hospitalizations of persons with serious mental impairment at public hospitals. 229.22

The county shall pay for the voluntary admission of residents to mental hospitals. 229.42

The county shall house detainees pursuant to the sexually violent predators law for criminal offenses committed while detained or subject to an order of commitment. 229A5C

The county sheriff shall provide transportation for sexually violent predators. 229A.6A

The county shall pay for the costs and expenses attending the care and support of a mentally ill resident admitted or committed to a state hospital. 230.1

The county auditor shall seek reimbursement from persons with mental illness and substance abusers who have resources. 230.15

The county shall investigate the ability of individuals to pay. 230.25

The county auditor shall keep account of the cost of maintaining each individual in an institution. 230.26

The county attorney shall proceed to collect claims against individuals for institutional services. 230.27

The county treasurer shall keep accurate records and provide notice to Mental Health Centers of all amounts due from the county. 230A.9

The county shall pay half of the net costs for children at State Juvenile Home. 233B.14

The county shall reimburse DHS for services to those with legal settlement of ICFs/MR plus HCBS. 249A.12

The county of legal settlement shall fund 50% of the nonfederal share of case management for adults, day treatment and partial hospitalization, and 100% of the nonfederal share of habilitation services. 249A.26

The county shall develop and implement a county management plan. 331.439

The county shall develop a single entry point process for the delivery of MH/MR/DD services. 331.440

The sheriff shall carry out duties relating to the involuntary hospitalization of persons with mental illness as provided in sections 229.7 and 229.11. 331.653 (23)

The sheriff shall carry out duties relating to the confinement of persons with mental illness or dangerous persons as provided in section 812.5. 331.653 (63)